

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARCH INSURANCE COMPANY,

Plaintiff,

Case No. 08-CV-5252 (GEL)

-against-

JOHN D. AGOGLIA, PHILLIP R. BENNETT,
LEO R. BREITMAN, EDWIN L. COX,
SUKHMEET DHILLON, THOMAS H.
DITTMER, NATHAN GANTCHER, STEPHEN
GRADY, TONE GRANT, THOMAS HACKL,
DAVID V. HARKINS, SCOTT L. JAECKEL,
DENNIS A. KLEJNA, THOMAS H. LEE, ERIC
G. LIPOFF, SANTO C. MAGGIO, PETER
MCCARTHY, JOSEPH MURPHY, FRANK
MUTTERER, RICHARD N. OUTRIDGE,
RONALD L. O'KELLEY, SCOTT A. SCHOEN,
WILLIAM M. SEXTON, GERALD SHERER,
PHILIP SILVERMAN and ROBERT C.
TROSTEN,

Defendants.

**PLAINTIFF ARCH INSURANCE COMPANY'S
STATEMENT PURSUANT TO BANKRUPTCY RULE 9027(E)(3)**

Pursuant to Bankruptcy Rule 9027(e)(3), Plaintiff Arch Insurance Company ("Arch") files this statement in connection with the Notice of Removal filed by Defendant Eric G. Lipoff on June 9, 2008. Arch admits that this proceeding is a non-core proceeding within the meaning of 28 U.S.C. § 157(b). Arch further states that it does not consent to the entry of any final orders or judgment by a bankruptcy judge.

Date: June 19, 2008

Respectfully submitted,

By: /s/ John H. Eickemeyer
John H. Eickemeyer (JE-8302)
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OF COUNSEL:

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Counsel for Plaintiff Arch Insurance Company

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WILLIAM M. SEXTON, GERALD SHERER,
PHILIP SILVERMAN and ROBERT C.
TROSTEN,

Defendants.

CERTIFICATE OF SERVICE

I, Daniel C. Green, hereby declare, pursuant to 28 U.S.C. 1746, under penalty of perjury, as follows:

1. On June 19, 2008, I caused a copy of the foregoing **PLAINTIFF ARCH INSURANCE COMPANY'S STATEMENT PURSUANT TO BANKRUPTCY RULE 9027(E)(3)** to be served upon all parties who have made appearances and are registered to receive e-notices in the above-captioned action by electronically filing same, thereby ensuring that counsel to each such party received same;

2. On June 19, 2008, I caused copies of the foregoing **PLAINTIFF ARCH INSURANCE COMPANY'S STATEMENT PURSUANT TO BANKRUPTCY RULE 9027(E)(3)** to be served upon all parties who have not yet registered to receive e-notices in the above-captioned action by depositing true copies of same into the custody of the United States Postal Service, addressed to their counsel as follows:

Defendant(s)	Counsel
Agoglia, John D. McCarthy, Peter J.	William Fleming, Esq. Gage Spencer & Fleming, LLP 410 Park Avenue New York, NY 10022 (212) 768-4900 wffleming@gagespencer.com
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Defendant(s)	Counsel
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Trosten, Robert C.	Barbara Moses, Esq. Morvillo, Abramowitz, Grand, Iason & Silberberg, PC 565 Fifth Avenue New York, NY 10017 (212) 880-9540 bmoses@magislaw.com

3. On June 19, 2008, I caused a copy of the foregoing **PLAINTIFF ARCH INSURANCE COMPANY'S STATEMENT PURSUANT TO BANKRUPTCY RULE 9027(E)(3)** to be served by U.S. mail upon Richard N. Outridge at 24 Pennbrook Drive, Lincoln University, Pennsylvania 19352.

DATED: June 19, 2008

/s/ Daniel C. Green
Daniel C. Green